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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,938	09/29/2003	Gabriel E. Montenegro	SUN-P9119-SPL	5178

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EXAMINER

LASHLEY, LAUREL L

ART UNIT	PAPER NUMBER
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2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/674,938	Applicant(s) MONTENEGRO ET AL.	
	Examiner Laurel Lashley	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 36 are pending and have been examined.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 09/29/2003 and 03/07/2005 was filed before the mailing date of the first Action on the merits. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. The drawings are objected to because FIG 8. has a misspelling (see box 802, recitation of "...individual/broup..." where it should recite "...individual/group..."). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 – 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. The term "too large" in claims 1, 11, and 21 is a relative term which renders the claims indefinite. The term "too large" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
6. Furthermore, Applicant's use of the clause "whereby..." also fails to limit the scope of the claims since it does not require steps or structures that would yield the recited results.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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7. Claims 1 – 8, 11 – 18, 20 – 28, and 31 - 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Huitema in US Patent Application Publication hereinafter (US PGPub '683).

For claim 1 and similar claims 11 and 21, US PGPub '683 discloses:

A method for communicating cryptographic data through multiple network layers, comprising:

receiving the cryptographic data at a node;

dividing the cryptographic data into multiple pieces; and

encapsulating different pieces of the cryptographic data in fields associated with different network layers in a data packet (see [0023] – [0024], [0027]), whereby cryptographic data that is too large to be communicated in a single field can be communicated through multiple fields associated with different network layers.

For claim 2 and similar claims 12 and 22, US PGPub '683 discloses wherein receiving the cryptographic data involves performing at least one non-reversible function on a piece of input data to produce the cryptographic data. (see [0005] and [0034]: hash function...)

For claim 3 and similar claims 13 and 23, US PGPub '683 discloses the method of claim 2, wherein the input data includes a public key associated with the node. (see [0017]: public key...)

For claim 4 and similar claims 14 and 24, US PGPub '683 discloses wherein the input data includes a static identifier associated with the node. (see [0034]: modifier...)

For claim 5 and similar claims 15 and 25, US PGPub '683 discloses wherein an IPv6 address field of the data packet is comprised of a 64-bit prefix followed by the most-significant 64 bits of the output of the non-reversible function, and wherein a universal/local bit and an individual/group bit of the IPv6 address are both set to "0". (see [0028] and Figure 4)

For claim 6 and similar claims 16 and 26, US PGPub '683 discloses wherein a SIP Call-ID field of the data packet is comprised of a local-id and a host address, wherein the local-id is

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comprised of the least-significant 128 bits of the output of the non-reversible function; and wherein the host address is comprised of the IPv6 address. (see [0025] and Figure 8)

For claim 7 and similar claims 17 and 27, US PGPub '683 discloses wherein an SSH public-key fingerprint field of the data packet is comprised of the least-significant 128 bits of the output of the non-reversible function. (see [0023],[0037] and Figure 4)

For claim 8 and similar claims 18 and 28, US PGPub '683 discloses wherein a MAC address field of the data packet is comprised of the least-significant 64 bits of the output of the non-reversible function. (see [0023] and Figure 4)

For claim 31 and similar claims 33 and 35, US PGPub '683 discloses:
A method for verifying a data packet containing cryptographic data, comprising:

receiving the data packet;
extracting pieces of cryptographic data from fields associated with different network layers within the data packet; and
verifying that each piece of extracted cryptographic data matches with a corresponding portion of a piece of previously obtained cryptographic data (see [0023] – [0024], [0033]).

For claim 32 and similar claims 34 and 36, US PGPub '683 discloses wherein the previously obtained cryptographic data is obtained through a process that involves performing at least one non-reversible function on a piece of input data to produce the cryptographic data. (see [0005],[0034] and [0037])

Official Notice

8. For claim 9 and similar claims 19 and 29, US PGPub '683 discloses an IPv6 data packet comprising the least-significant 128 bits of the output of the non-reversible function (see [0006] and [0023]) but does not expressly teach such for a JXTA Peer-ID field of the data packet.

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However the Examiner takes Official Notice that IPv6 packets may comprise numerous optional headers.

It would be obvious to one of ordinary skill in the art at the time the invention was made to modify the IPv6 packet of Huitema such that it would comprise a JXTA Peer-ID field since the Examiner takes Official Notice that optional headers are available for use in an IPv6 packet.

For claim 10 and similar claims 20 and 30, US PGPub '683 discloses an IPv6 data packet comprising the least-significant 128 bits of the output of the non-reversible function (see [0006] and [0023]) but does not expressly teach such for a JXTA Group-ID field of the data packet.

However the Examiner takes Official Notice that IPv6 packets may comprise numerous optional headers.

It would be obvious to one of ordinary skill in the art at the time the invention was made to modify the IPv6 packet of Huitema such that it would comprise a JXTA Group-ID field since the Examiner takes Official Notice that optional headers are available for use in an IPv6 packet.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alden et al. in US Patent No. 6101543 discloses a pseudo network adapter for frame capture, encapsulation and encryption. Donley et al. in US Patent Application Publication No. 2004/0193876 discloses a method to authenticate packet payloads. Lothberg et al. in US Patent No. 6804776 discloses a method for universal transport encapsulation for Internet Protocol network communications.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurel Lashley
Examiner
Art Unit 2132

LL

01 April 2007


Benjamin E. Lander
Examiner Art 2132